

# ASHLEY LAKE NEIGHBORHOOD PLAN

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ASHLEY LAKE NEIGHBORHOOD PLAN

*An Element of the Flathead County Growth Policy*

**Adopted by the Flathead County Board of Commissioners  
Resolution No. 1295A  
October 29, 1997**

**Revised by the Flathead County Board of Commissioners  
Resolution No. TBD  
Date TBD**

**DRAFT ONE: July 30, 2010**

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## **Executive Summary**

The Ashley Lake Neighborhood Plan is a non-regulatory document providing guidance on land use within the Ashley Lake planning area. It was drafted by labor and intellect of Ashley Lake residents. This plan updates and replaces the Ashley Lake Neighborhood Plan of 1997 but strives to keep the original intentions of that plan intact. The Ashley Lake Neighborhood Plan was drafted in accordance with Flathead County Growth Policy.

The plan is divided into eight chapters. Chapter One is the community's vision, an expression of what the community wishes to be in the future. Chapter Two defines and maps the planning area. Chapter Three is a chronicle of existing conditions which will serve as a baseline for planning efforts into the future. Chapter Four identifies issues and opportunities the community faces. Chapter Five lists the goals and policies that should be used as a guide to work towards the community's vision. Chapter Six provides recommendations for implementation of the plan. Chapter Seven details procedures for amendments and revisions. Chapter Eight is a statement on coordination with other agencies.

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## **Preface**

### ***Authorization***

The Ashley Lake Neighborhood Plan was adopted by the Flathead County Board of Commissioners on October 29, 1997 through Resolution No. 1295A. The plan was incorporated as an element of the Flathead County Growth Policy on March 19, 2007 by Resolution No. 2015A. Neighborhood Plans consistent with the Growth Policy may be established pursuant to Section 76-1-601 M.C.A.

### ***Regulatory Authority***

It is understood the Ashley Lake Neighborhood Plan, an element of the Flathead County Growth Policy, is not a regulatory document and does not confer any authority to regulate its provisions. The goals, policies, and text included herein should be considered as a detailed description of the desired land use in the Ashley Lake Neighborhood Planning Area. The plan should also be used as guidance in adopting zoning regulations that would apply land use in the planning area.

### ***Background***

**Neighborhood Plan History:** In 1996, before the neighborhood plan was originally drafted, the Ashley Lake Property Owners Association served as the only organized local voice in the Ashley Lake area representing the property owners. Membership had always been open to everyone within the immediate watershed of Ashley Lake. The Association, with recreational, agricultural and forest land owners represented, had worked on issues affecting the area since forming. The Association had focused on road issues, fire protection concerns, safety, lake access, fishing and water quality, but primarily targeted towards preserving the lake's unique character and pristine water quality.

When the plan was adopted in 1997, the Ashley Lake Land Use Advisory Committee (ALLUAC) was created to serve as a liaison regarding land use issues between the residents of Ashley Lake, and the Flathead County Commissioners. The ALLUAC is a committee appointed by the Board of Commissioners. The primary responsibility of ALLUAC is to review land use proposals occurring in the Ashley Lake planning area that are subject to county regulations and forward a recommendation on those proposals to the county. The ALLUAC is also responsible for leading revisions and updates to the neighborhood plan.

**Why a Neighborhood Plan:** When the Ashley Lake Neighborhood Plan was adopted in 1997, the Ashley Lake Neighborhood lay within the jurisdiction of the Flathead County

Master Plan yet the County Master Plan did not give specific guidance or direction for the Ashley Lake area. Generally, there were no land development codes in effect in this area. The only regulations that existed in relation to development were county and state sanitation regulations, County Subdivision Regulations, state electrical permits and the County Lake and Lakeshore Protection Regulations. There was a strong desire to protect the amenities and character of this neighborhood through a land development code as evidenced by the 1996 survey results showing 77% of the respondents calling for land use standards that affect the rate, amount or type of development in the area. Yet there was no plan to give specific guidance as to how such regulations should be crafted and what they should address. The 1997 plan was intended to bridge the gap and offer specific direction and guidance for this area.

**Development of the Plan:** The Ashley Lake Neighborhood Plan was developed by the property owners in the Ashley Lake Neighborhood. Due to neighborhood concerns about the potential sale of substantial reserves of private timber land and future development in the Ashley Lake Neighborhood, the property owners in the Ashley Lake Neighborhood came together to provide advice to elected and appointed government officials, developers, and existing and future property owners. Through a series of meetings, residents of Ashley Lake expressed concerns about future development of the area, identified goals (what the community wants to become), developed and discussed alternatives for achieving goals, and selected courses of action.

The development of the plan had its beginnings in early 1996. The Ashley Lake Property Owners Association Board spent several board meetings discussing the future of the Ashley Lake Area relative to the lake level, future fisheries projects, lakeshore setbacks, Plum Creek Land Management practices and the pros and cons of neighborhood planning. In an effort to better gauge the concerns of the neighborhood, and in particular to determine the views concerning neighborhood planning, the Board decided to conduct a mail out survey to every known landowner and Association member. Regardless of the Association's effort to mail a survey to every property owner, some property owners were inadvertently missed. Approximately 64 surveys were returned for a response rate of 40%. The results showed that 92% of the respondents had concerns about future growth in the area, 91% had concerns about future housing densities, and 77% stated that land use standards that affect the rate, amount and type of development were necessary.

The Association Board moved forward and a meeting of all interested landowners was held on June 14, 1996 at the Flathead County Fairgrounds in Kalispell to continue discussion on the topic of developing a neighborhood plan. Approximately 60 people attended. At the end of the meeting a vote was taken of those present and strong support was given to proceed with a neighborhood planning effort. At that point the Association Board made it clear that the Board's role in this effort was over. The Board



felt it was appropriate to raise the issue of neighborhood planning, conduct a survey and hold an informational meeting. At that point, the Board announced that it had completed its responsibilities, and that while the neighborhood appeared to support developing a plan, it was not appropriate for the Ashley Lake Property Owners' Association to actually develop the plan. The Board recommended that an independent steering committee be formed, that it meet regularly and that it keep the general membership informed.

At the end of the June 14th meeting, volunteers were called for to serve on a steering committee. The original steering committee contained 10 property owners and representatives from Plum Creek Timberlands LP (Plum Creek) and F.H. Stoltze Land and Lumber Company (Stoltze). The Committee met monthly throughout the entire process. In August 1996, an update was made at the annual Association meeting. Every property owner as listed in the County Assessor's records was mailed an invitation. At the meeting, attended by over 100 people, the Committee was overwhelmingly directed to continue. The Committee continued through the fall of 1996 to prepare a draft plan. In May 1997, a final survey along with a copy of the draft plan was sent out to all 255 property owners. There were 100 responses (39%) to the survey. The survey supported a 50 foot setback for primary structures from the high water line of the lake, a stepped density for on and off lakeshore developments, clarified homeowner park design standards and gave a 76% vote of support for continuing the planning process.

The draft plan was eventually processed by the county for consideration of adoption. The final draft of the Ashley Lake Neighborhood Plan was adopted on October 29, 1997 by the Flathead County Commissioners. The Ashley Lake Zoning District and Development Code were subsequently adopted on December 8, 1997, effectively implementing the neighborhood plan.

**Need for Revision:** When the Flathead County Growth Policy was adopted in 2007, all existing neighborhood plans were incorporated and deemed consistent with the Growth Policy until they could be updated. On September 12, 2007 the Flathead County Planning Board approved a motion to begin work on updating existing neighborhood plans. The ALLUAC began discussions pertaining to revising the 1997 plan in the summer of 2008.

**Revision Background:** In the summer of 2008, the ALLUAC began discussions on how to revise the 1997 plan. During the course of this summer, the ALLUAC were in a scoping phase to determine the extent of revisions. The ALLUAC invited a number of speakers to committee meetings to discuss a number of topics ranging from water quality to development of timber lands. The ALLUAC mailed a survey to all property owners, and gave a presentation at the Ashley Lake Property Owners' Association's summer picnic. In the summer of 2009, the scoping phased evolved into organizing the revision effort.

The ALLUAC decided to start the revisions by revising the committee's bylaws. With new bylaws adopted in the fall of 2009, the ALLUAC were ready to start revising the plan. On December 17, 2009 a representative of the ALLUAC and planning staff met with the Flathead County Board of Commissioners to inform the commissioners the committee was in the beginning steps of revising the 1997 plan.

## Chapter One: Ashley Lake Vision

*The vision statement of the Ashley Lake Neighborhood is to provide a safe community and preserve and enhance upon the unique environment in which we have been fortunate to have bestowed upon us. To this end we seek to be strong stewards protecting the water, air quality, maintaining the serenity and improving upon the health of the forest that surround Ashley Lake, and maintain the closeness of the Ashley Lake Community.*



Photo taken by Mark Boardman: 7/30/10.

The vision statement is an important component for guiding future land use in the Ashley Lake Neighborhood Planning Area. The goals, policies and implementation of the Ashley Lake Neighborhood Plan should work towards meeting this vision statement. The vision statement has been crafted to both achieve success in planning for the future and making Ashley Lake a wonderful place to live.

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## Chapter Two: Planning Area

The Ashley Lake Neighborhood Planning Area consists of Sections 5, 6, 7, and 8 of Township 28 North, Range 23 West and Sections 1, 2, 3, 10, 11, 12, 14, 15 and the North ½ of Sections 22 and 23 of Township 28 North, Range 24 West in Flathead County, Montana (Figure 1). These sections generally surround Ashley Lake. The region is situated roughly halfway between Kila and Marion, approximately 15 miles west of Kalispell and 5 miles north of Batavia.

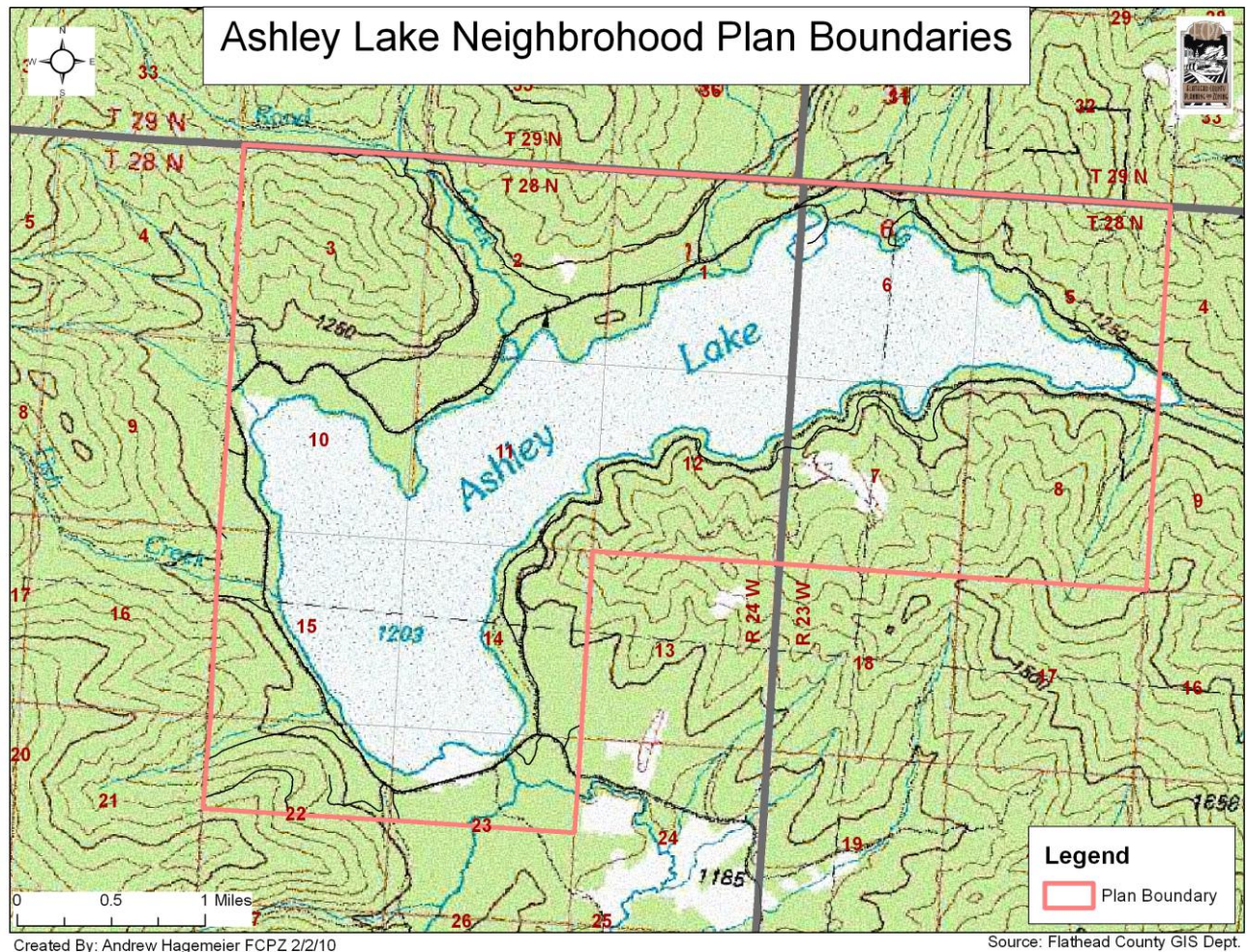


Figure 1: Ashley Lake Planning Area

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## Chapter Three: Existing Conditions

The existing conditions discussed in this chapter establish a baseline of community characteristics. Understanding where the community is today is critical for making decisions for the future that are in harmony with the community's vision. This chapter will examine conditions and trends of five general categories that may affect land use in the Ashley Lake Planning Area.

### *Natural Resources*

**The Physical Environment:** Ashley Lake is nestled in the Salish Mountains west of Kalispell, MT. Elevations in the planning area range from about 3,950 feet to about 5,000 feet. Precipitation in the area averages between 22 to 34 inches annual. Ashley Lake is situated in the Salish Mountain Ecoregion. The Salish Mountain ecoregion is forested and underlain by Precambrian Belt rocks. Crests rarely exceed an elevation of 7,000 feet and lack the alpine zones that occur in higher mountains. The entire Ashley Lake watershed has been glaciated. Landforms are dominated by glacial erosion of bedrock and glacial deposition of overburden. Bedrock geology consists of Late Precambrian Belt metasediments. Planar sedimentary bedding structures have been tilted by mountain building and are inclined downwards toward the east-northeast. Surficial geology consists mainly of various unconsolidated glacial deposits. The most common is glacial till, unsorted mixture of boulders, cobbles, pebbles, sand and silt. Some glaciofluvial deposits, showing sorting, were laid down from glacial meltwater. Thin volcanic ash deposits are preserved in wetlands.

**The Vegetation:** Natural vegetation types in the area are Douglas-fir forests and western ponderosa forests. Principal tree species include Douglas-fir, ponderosa pine, lodgepole pine, western hemlock, western larch, cedar, Englemann spruce, alpine fir and grand fir. Wildland fire historically created large openings in the forest canopy which were regenerated with a diversity of tree species. Today, the forest structure (vegetation and composition) of timber stands in the planning area depends upon management goals activities of the landowner as well as the topography of the land such slope, aspect and elevation.

**The Wildlife:** The planning area has potential for a diversity of habitats and numerous wildlife species. According to the Montana Natural Heritage Program, the Township and Range within the Ashley Lake planning area has the potential for 3 mammal species and 5 bird species of special concern. The species are:

- Wolverine
  - The wolverine's habitat is generally boreal and mountain forests, especially in large wilderness areas.

- Canada Lynx
  - Canada Lynx habitat generally occurs in subalpine forest above 4000 feet. The Canada Lynx is listed as “threatened” by the U.S. Fish and Wildlife Service according to the Endangered Species Act
- Fisher
  - Fisher habitat is generally in dense coniferous or mixed forest in early succession stages. Dense understory is important summer habitat.
- Great Blue Heron
  - Great Blue Heron habitat is generally cottonwood riparian zones preferring separation from roads.
- Black Tern
  - Black Terns spend the summer in Montana’s wetlands and marshes. They prefer canary reed-grass, cattails, sedges and rushes.
- Pileated Woodpecker
  - Pileated Woodpecker habitat is generally late succession stage coniferous or deciduous forests and younger forests with scattered large dead trees.
- Common Loon
  - Ashley Lake supports three, if not four nesting pairs of common loons. Only 65 pairs are known to nest in the State of Montana. Loons usually nest on small marshy areas within bays, coves, inlets or backwaters. May and June are the most critical times of the year for nesting loons. Boat traffic in areas with nesting loons can cause loss of eggs or chicks.
- Bald Eagle
  - Bald Eagles prefer riparian areas and forested areas along rivers and lakes. Nesting generally occurs within larger diameter trees in areas along large lakes and rivers.

The Ashley Lake planning area has a wide variety of animal and bird species that are found in Northwestern Montana. According to Montana Fish Wildlife and Parks (FWP), the Ashley Lake planning area is considered general range for black bears, mountain lions, moose, mule deer and whitetail deer. Furthermore, FWP considers the area as winter range for whitetail deer and moose. While the planning area is not considered to be occupied by grizzly bears or wolves, they may be traveling visitors on occasion.



**The Lake:** Ashley Lake is a natural water body covering approximately 2,847 surface acres. The maximum depth of the lake is 215 feet. The size and the depth of the lake will fluctuate seasonally. There are approximately 5 streams that flow into Ashley Lake including Benard, Cottonwood, Fish, Wade and Rand creeks (Figure 2). The outlet to Ashley Lake is Ashley Creek, exiting out the southwest end of the lake. The outlet is controlled by a check dam installed by the Ashley Irrigation District and now maintained by FWP.

The water quality of Ashley Lake has been monitored since 1992 by volunteers. A more intensive study took place from 1996 to 1997. The results of the study show the lake has higher than average total phosphorus concentrations and algal communities compared to other lakes in the Flathead Valley. This may be due to inputs from Rand and Bernard Creek, as well as natural groundwater upwellings (Ellis, et al. 1998)<sup>1</sup>. Dissolved oxygen levels remain good for fish use at most depths but approach the lethal limit at the bottom. The lake seems to fluctuate between low and moderate amounts of basic dissolved nutrients (Ellis, et al. 1998). Monitoring results suggest no downward trend since 1992.

The water has exceptional clarity and quality and is generally classified as oligotrophic (pristine). It may be suitable for domestic consumption without treatment in most situations. Limited water quality monitoring has been conducted by volunteers for the Flathead Basin Commission. Sampling has been conducted since 1992. The data provides some limited baseline information. The results can be obtained from the Flathead Basin Authority. There is a real need to maintain a long term water quality testing program to ensure that the water quality maintains its pristine level. According to the Montana Department of Environmental Quality, Fish Creek and Ashley Lake are to be maintained for “beneficial uses.” Beneficial Uses are listed as water suitable for drinking, culinary, and food processing purposes, after conventional treatment; bathing, swimming, and recreation; growth and marginal propagation of salmonid fishes and associated aquatic life, waterfowl, and furbearers; and agricultural and industrial water supply.

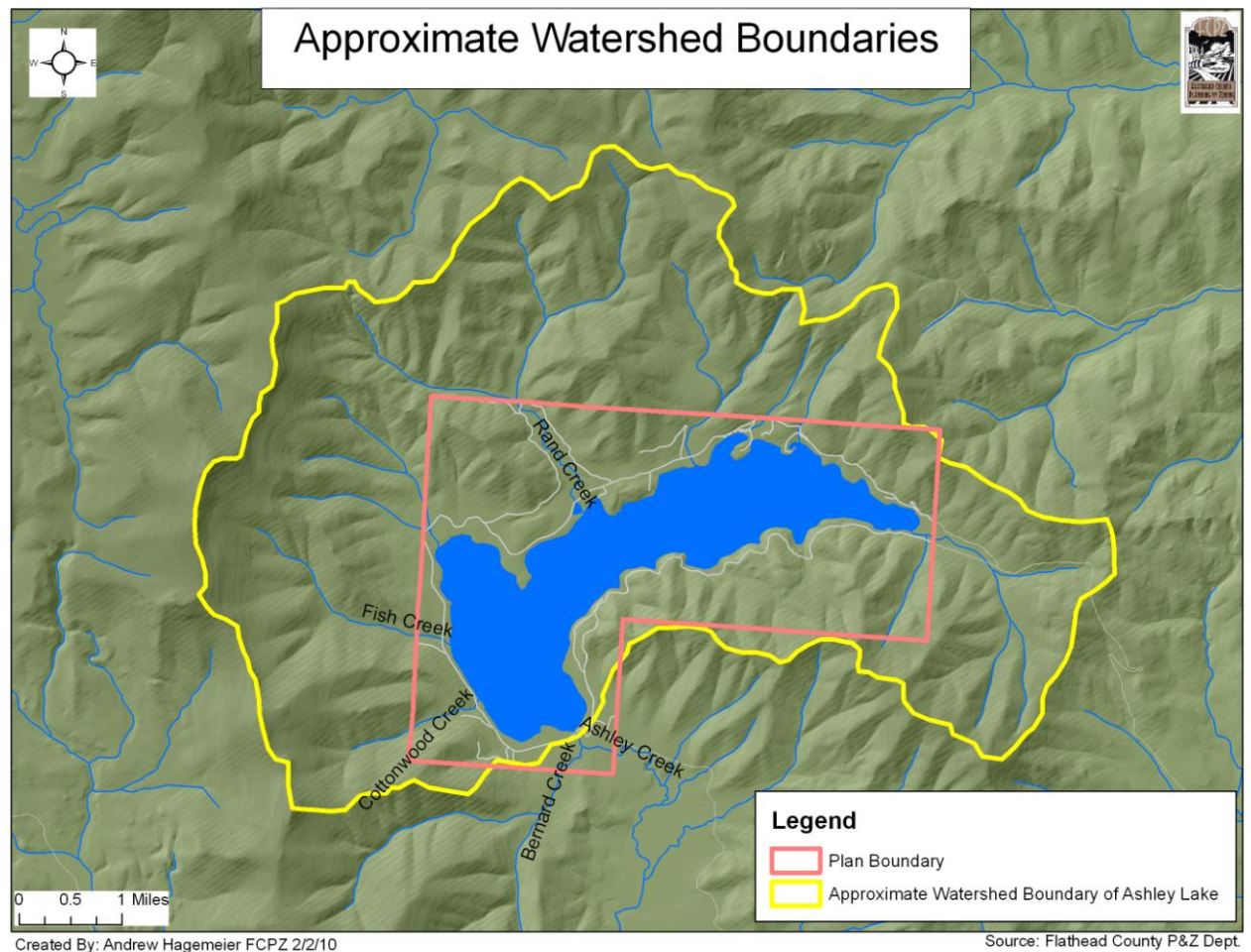
There are some signs of physical erosion around the lakeshore. A portion of the north shore, especially near Rand Creek, is severely eroded possibly due to natural wave action and human use. The operation of the outlet dam keeps the water level about two feet higher than it was historically resulting in fall and winter storms eroding the shore. The banks on national forest lands are also damaged by unregulated camping pressure, foot traffic, and tying boats to the shoreline. The boat ramp near Rand Creek is eroding and

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<sup>1</sup> Ellis, B.K., J.A. Craft, et al. (1998). *Baseline water quality study of Little Bitterroot, Mary Ronan, Ashley and Lindbergh Lakes, Montana*. Polson, Flathead Lake Biological Station, The University of Montana. Montana: 93 + appendices.

users have spread out along the area exposing more shoreline to compaction (Ashley-Herrig Resource Management Project, EA. 2009)<sup>2</sup>.

The Ashley Lake planning area does not coincide with the Ashley Lake Watershed (figure 2). There are five drainages that consistently flow year-round into Ashley Lake: Rand Creek contains approximately 4,320 acres, Wade Creek contains 1,794 acres, Fish Creek contains 1,817 acres; Cottonwood Creek contains 1,233 acres; and Bernard Creek contains 3,160 acres (Ashley-Herrig Resource Management Project, EA. 2009). There are also about ten streams that flow some part of each year, or may only flow during very wet years.



**Figure 2: Approximate Watershed Boundaries of Ashley Lake**

<sup>2</sup> Flathead National Forest. (2009). *Ashley-Herrig Resource Management Project*. Flathead County, Montana. U.S. Department of Agriculture.

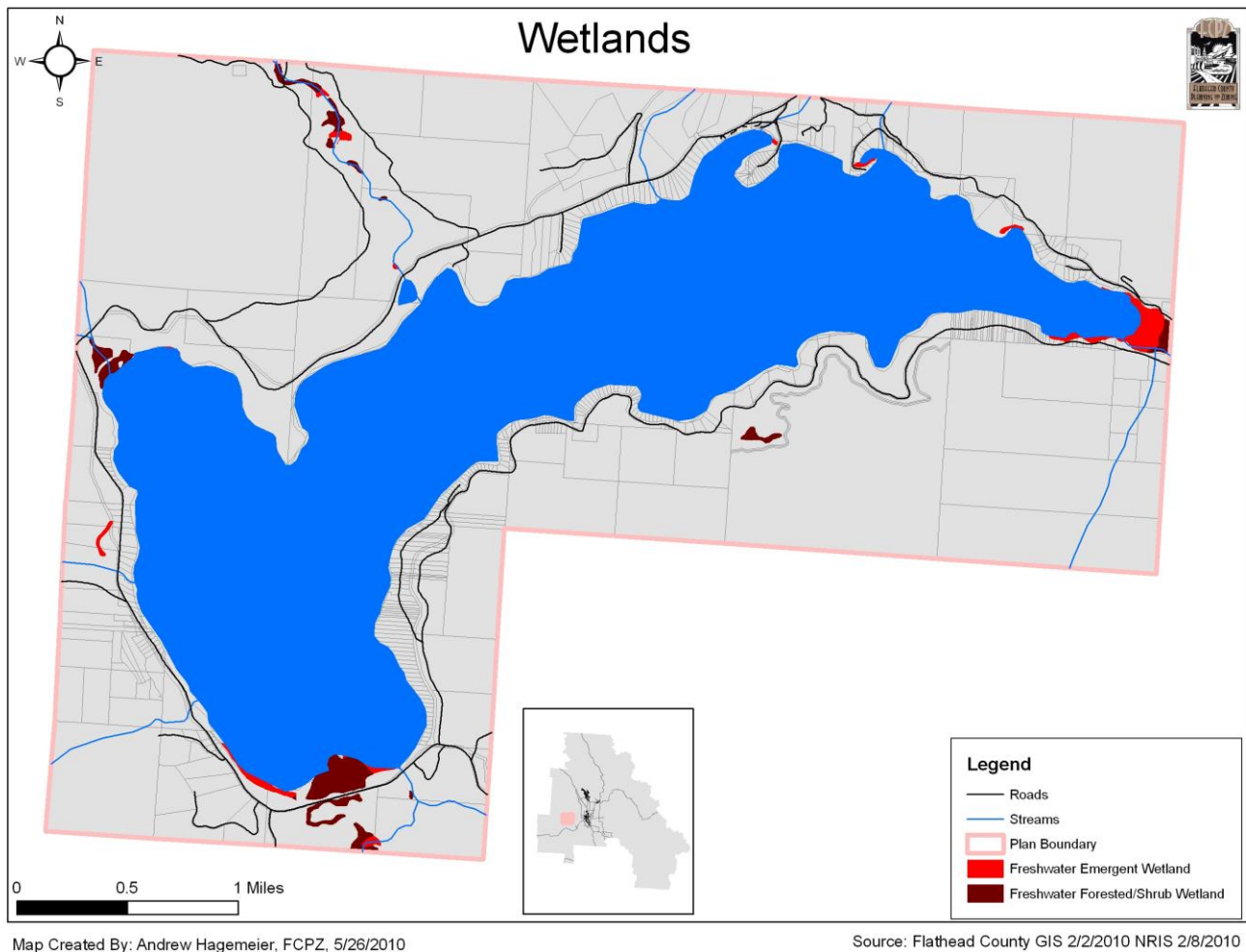
**The Fisheries:** Originally a premier native cutthroat fishery, Ashley Lake is now primarily a non-native fishery. Rainbow trout and Cutthroat trout hybrid species are present due to both wild reproduction and artificial stocking. The hybrid fish consist of mostly rainbow trout genes but also contain a small amount of cutthroat trout genes. Montana FWP annually replenishes the lake for recreational fishing. Some hybrid spawners are trapped in the spring, stripped, and returned to the lake. The eggs are incubated and the fry raised in a local near-lake facility (FWP Salmon Hatchery Staff, pers. com., 2010). Fish Creek, Bernard Creek, and Cottonwood Creek have been observed to support an annual springtime spawning migration. To protect wild reproduction, all inlet streams are closed to fishing year-round (Ashley-Herrig Resource Management Project, EA. 2009).

Ashley Lake also contains non-native species such as yellow perch and Kokanee salmon. Yellow perch have been stocked in the lake and provide a moderate recreational fishery. They only live in the lake and spawn on weed beds, not utilizing the inlet streams. Kokanee salmon does well in lakes, but they do not grow as large as Pacific coast salmon. The salmon seem to do well reproducing in the lake and are not stocked (FWP Salmon Hatchery Staff, pers. com., 2010).

There are native species of fish that live in Ashley Lake. Pygmy whitefish live in the lake in the near the bottom in deep water. Both native large scale and longnose suckers dwell in the lake. These species spawn in the springtime in tributary streams and some individuals also travel downstream to Ashley Creek to spawn. In recent years, FWP has installed a screen at the outlet of the lake in order to prevent northern pike from invading the lake. This screen is presumably blocking all sucker spawning migration into lower Ashley Creek. The impact of this migration barrier and population trends of suckers is unknown (Ashley-Herrig Resource Management Project, EA. 2009).

### ***Lands with Impediments to Development***

**Wetlands:** According to the National Wetland Inventory, wetlands are present in the Ashley Lake planning area. The two primary types of wetlands are freshwater emergent wetlands and freshwater forested/shrub wetlands. Freshwater emergent wetlands are generally described as an herbaceous march, fen, swale and wet meadow. The largest freshwater emergent wetland is found on the eastern shore of Ashley Lake at the inlet, however they are also found along Rand Creek and near the outlet of the lake. Forested/shrub wetlands are generally described as a forester swamp, wetland shrub bog or wetland. The largest forested/shrub wetland is found near the outlet of the lake, but are also found along Rand Creek and in other locations both on and off the lake (figure 3).



**Figure 3: Location of Wetlands**

**Floodplain:** The Federal Emergency Management Agency (FEMA) has mapped areas of flood hazards in parts of Flathead County as part of the National Flood Insurance Program. Flathead County administers floodplain regulations regarding construction in areas mapped as floodplain as part of preventative measures in an effort to reduce flood damage. FEMA has not mapped flood hazards in the Ashley Lake planning area and therefore the floodplain regulations do not apply. That does not mean flood hazards do not exist and it is likely parts of the planning area may be susceptible to flooding. The Flathead City-County Health may require landowners to identify the floodplain to receive a septic system if there is a potential for flood hazards.

**Steep Slopes:** Lands with steep slopes may pose challenges for certain types of development. Portions of the planning area have been identified as having the potential



for slopes greater than 30 % are identified in figure 4. The locations identified with slopes greater than 30 % may require site specific slope analysis in certain situations.



Map Created By: Andrew Hagemeyer, FCPZ, 7/26/2010

Source: Flathead County Growth Policy 2007

**Figure 4: Slopes Greater Than 30 Percent**

**Areas with Shallow Groundwater:** There may be areas with shallow groundwater found within the planning area. Shallow groundwater may pose challenges to development. An accurate representation of where areas of shallow ground water are not available. However, localized groundwater depths should be considered when any development occurs in the planning area.

### ***General Land Use Character***

**Property Ownership:** There has been a shift in how land is being used in the Ashley Lake neighborhood since the adoption of the 1997 plan. Historically, the majority of the

area was in timber production. There has been a shift in property ownership from Plum Creek Timber Company, the largest timber lands owner, to private residential uses (Table 1). Plum Creek remains the largest property owner within the boundaries of the planning area having title to approximately 1,793 acres (32% of land area) and owning approximately 650 feet of shoreline. This in contrast to when the plan was written in 1996. Plum Creek then owned 2,540 acres making up 46% of the land area and 3.6 miles of shoreline. The remaining Plum Creek lands are undeveloped and have historically been open to the general public for free recreational use. Historically, these lands have been managed for timber and grazing resources. Plum Creek may continue to sell their land within the planning area. This may result in the trend continuing to shift from traditional uses to recreational and residential land uses.

<b>Table 1: Land Ownership Trends</b>					
Ownership	1996		2010		Change
	Acres	Percentage	Acres	Percentage	Acres
MT FWP	32	1%	0	0%	-32
Forest Service	1080	20%	1140	21%	60
Plum Creek	2540	46%	1793	32%	-747
F.H. Stoltze	339	6%	325	6%	-14
Private (40 acre + tracts)	440	8%	676	12%	236
Private (less than 40 ac. Tracts)	1060	19%	1607	29%	547
Total	5491		5529		
All acreages are approximate. Methodology for how the 1996 data is quoted from the 1997 plan. 2010 data was derived using Flathead County GIS Department Data and calculated using ArcGIS software.					

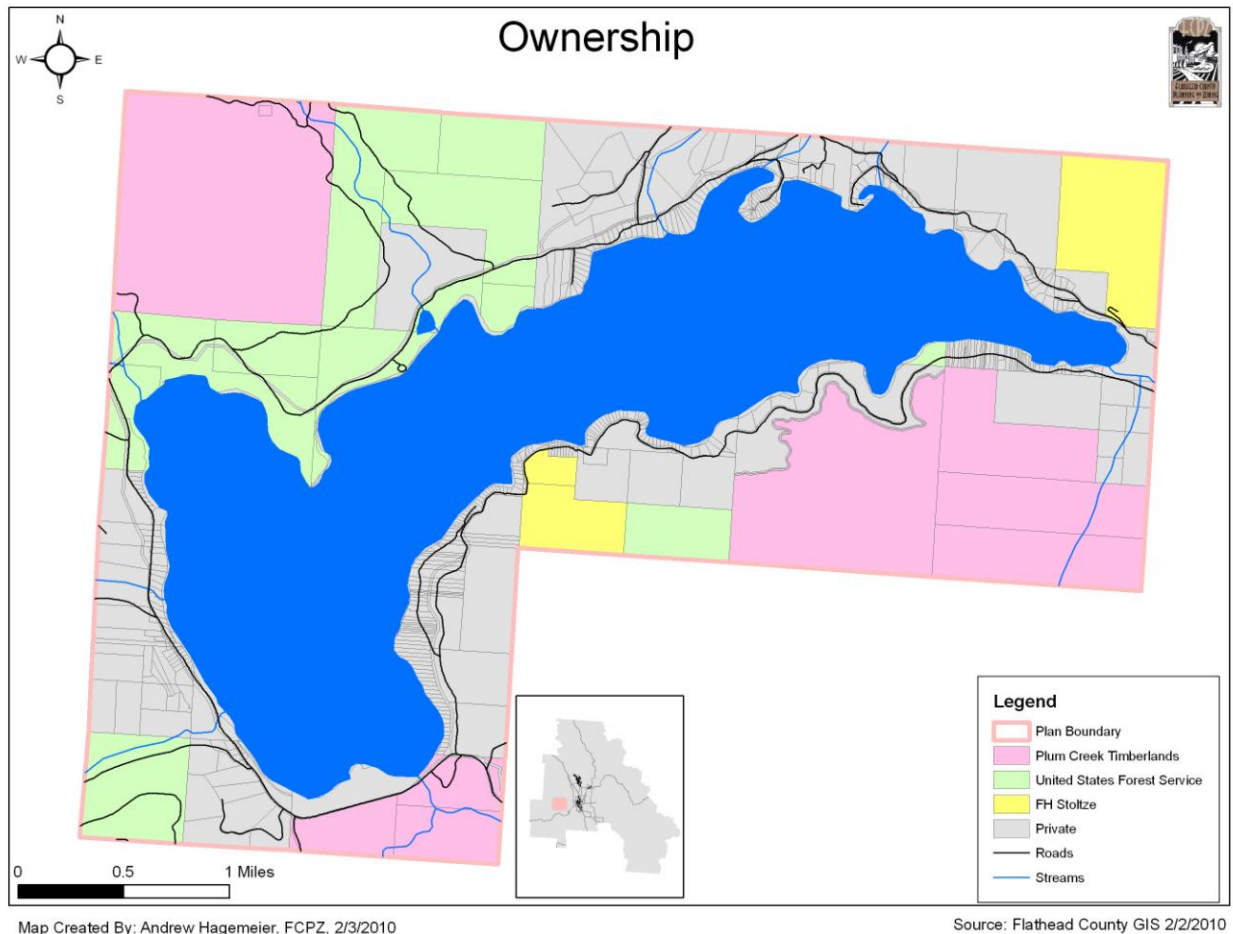
Stoltze Land and Lumber Company is the second largest private landowner. They own a total of 325 acres in two areas of the neighborhood. The land is managed for timber production and has also historically been open to the public for outdoor recreational activities.

The U.S. Forest Service manages 1,080 acres of land in the planning area. Forest Service lands are generally managed for multiple uses including, but not limited to, timber production, grazing, wildlife and recreation. Recently, the Forest Service has

increased its holdings of shoreline on Ashley Lake. In 2000, approximately 35 acres around the Ashley Lake North Boat Launch area was acquired in a land exchange from the State of Montana.

There are a number of other large private property owners in the neighborhood, other than Plum Creek and Stoltze, who own 40 or more acres of land. This land consists predominately as agriculture grazing areas, timber lands, recreational lands or estate residential uses. This ownership accounts for approximately 676 acres of the neighborhood but encompasses very little actual lake frontage as the tracts lie predominately off the lake.

The remainder of the proposed district contains 1,607 acres, privately owned in small tracts located predominately in the west, south and northeast sides of the lake (figure 5). These properties account for about 8.7 miles of lake frontage. Tracts on the lake vary from 25 to 900 feet in width, most lakefront properties have approximately 100 feet of frontage. These smaller tracts contain approximately 150 residences which are almost entirely single-family cabins/houses occupied seasonally. There are a few exceptions including an upholstery shop and an excavating firm on the south side of the lake.



**Figure 5: Current Property Ownership Map**

**Existing Land Use:** Existing land use in the Ashley Lake planning area has been examined to establish a baseline for future planning efforts.<sup>3</sup> In terms of acreages, the predominate uses of land in the Ashley Lake planning area are agricultural and federal (Table 2). Agricultural uses are predominantly related to the harvesting of timber.

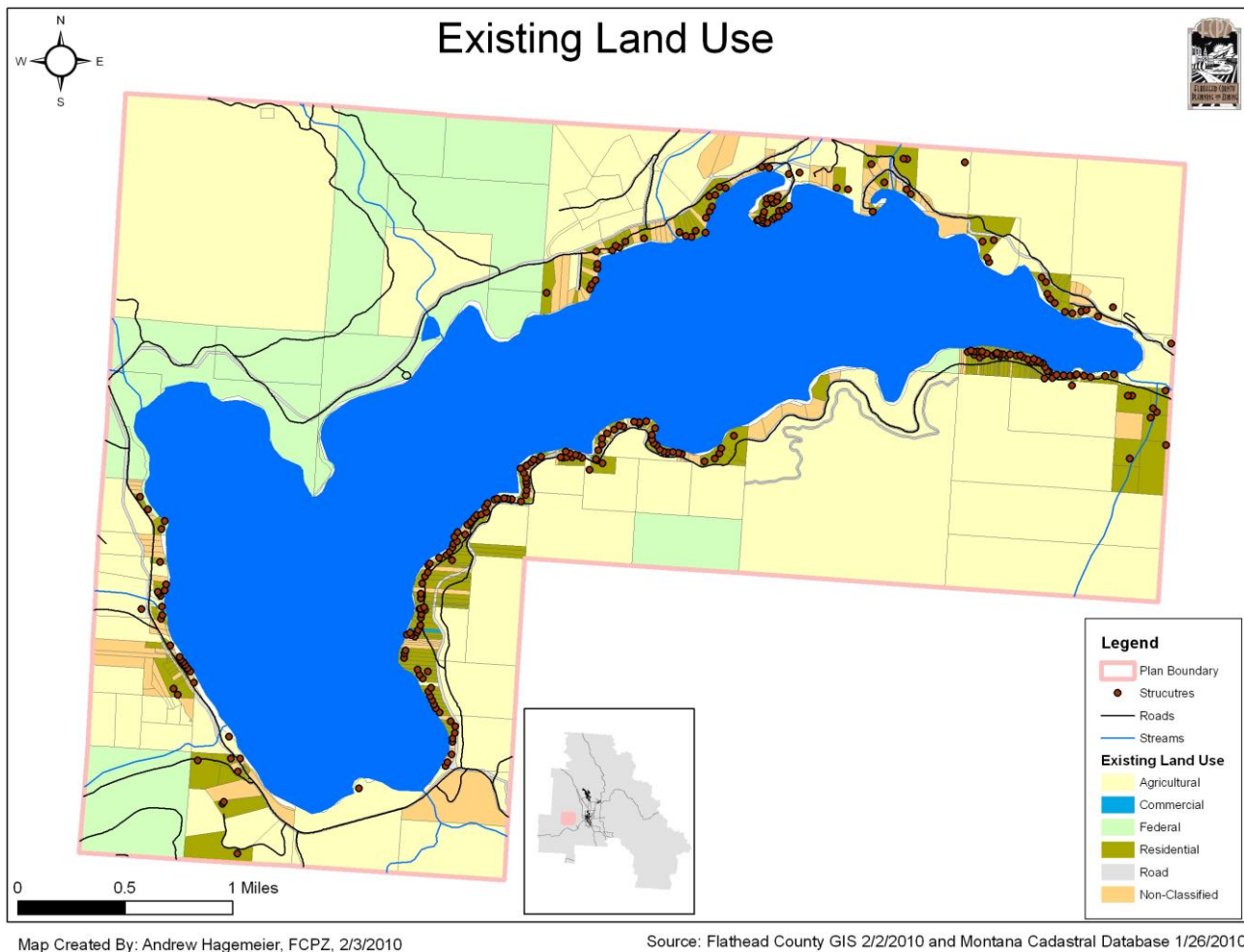
<sup>3</sup> Existing land use was determined by examining the State of Montana Cadastral Database to determine how land is being taxed and cross referencing that data with Flathead County GIS structure layer and land ownership data. Lands classified as agricultural and farmsteads by the Montana Cadastral Database were categorized as agricultural. Lands classified as commercial by the Montana Cadastral Database were categorized as commercial. Lands classified as rural residential by the Montana Cadastral Database were categorized as residential. Parcels known to be road easements or road rights of way were categorized as roads. All lands without classification or classified as vacant by the Montana Cadastral Database were cross referenced with the Flathead County GIS structure layer, and if they had a structure present, were classified as residential if they did not, they were classified as Non-Classified.



Residential uses, while having noticeable presence, only occupies a portion of the planning area (Figure 3). In most cases, it can be assumed most non-classified lands are vacant lands not in agricultural production.

<b>Table 2: Existing Land Use</b>		
Use	Acres	Percentage
Agricultural	3544	64%
Commercial	1.3	0%
Federal	1140	21%
Residential	440	8%
Road	124	2%
Non-Classified	280	5%
Total	5529.3	
All acreages are approximates		

Residential and non-classified land uses predominantly occupy the area along the shoreline of Ashley Lake. Federal lands have are congregated primarily in the northwest portion of the planning area, and occupy a considerable amount of northern lakeshore (Figure 6).



**Figure 6: Existing Land Use Map**

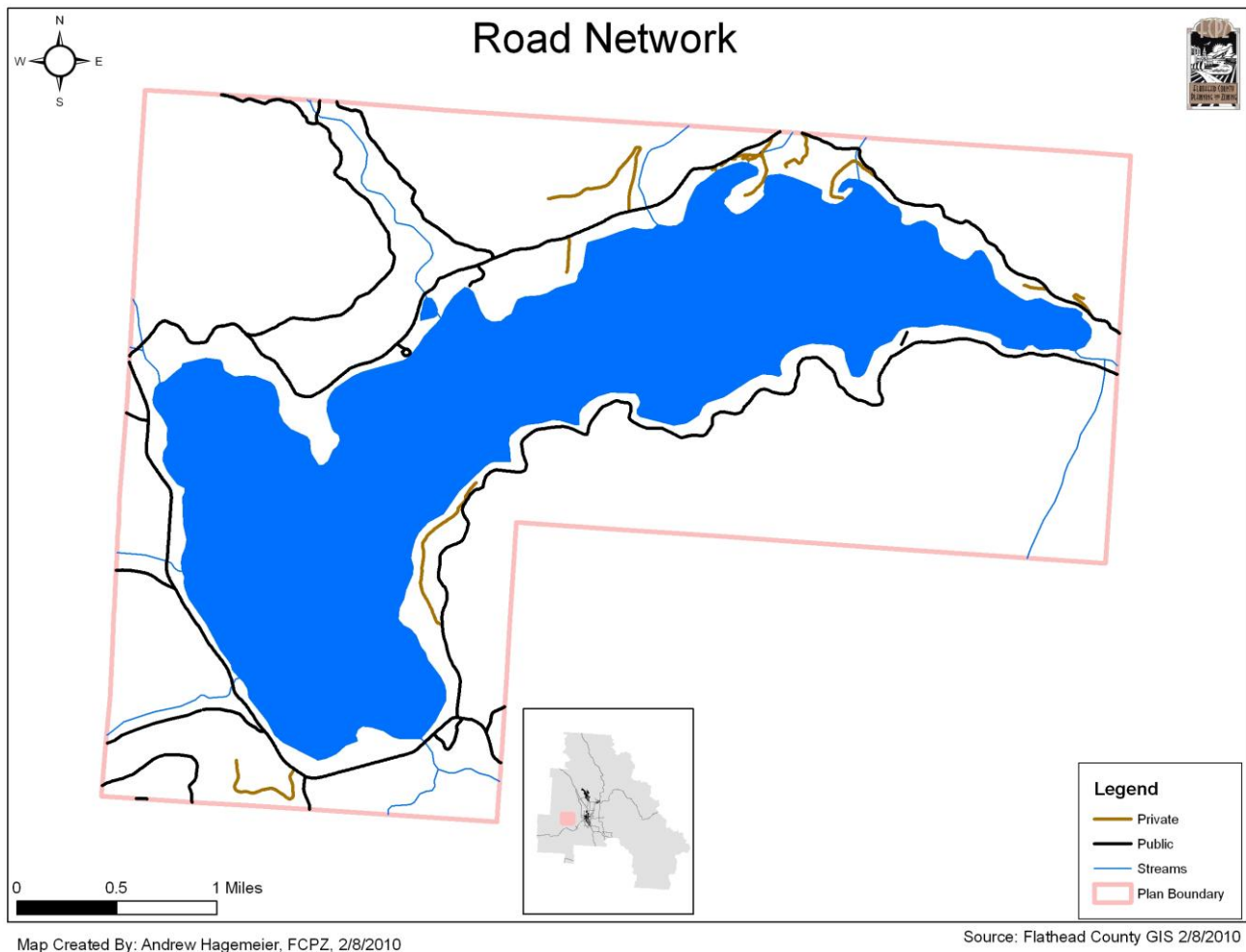
**New Residential Construction:** To demonstrate the amount of new growth since the adoption of the plan, the number of septic permits issued per year was researched and separated into two categories; the 13 years before the adoption of the neighborhood plan, and the 13 years post adoption of the neighborhood plan. The issuance of a new septic system does not unequivocally mean a new home was built, but it can be assumed in most cases it is representative of new growth.

During the first 13 year period from 1984 to 1996, 54 septic permits were issued. During the 13 year period from 1997 to 2009, 105 septic permits were issued (one was a replacement). That is a 194% increase in the number of septic permits since the adoption of the plan. Based on the assumption that in most cases new septic permits equates to new development, it is highly likely the amount of development has increased since the adoption of the plan (Table 3).

Table 3: Septic Permits Issued 1984 Through 2009			
1984 to 1996		1997 to 2009	
Year	Septic Permits	Year	Septic Permits
1984	2	1997	2
1985	3	1998	10
1986	3	1999	4
1987	0	2000	5
1988	2	2001	10
1989	3	2002	11
1990	4	2003	12
1991	4	2004	12
1992	6	2005	11
1993	8	2006	6
1994	10	2007	11
1995	4	2008	7
1996	5	2009	4
Total	54	Total	105
Average per year	4	Average per year	8

### ***Infrastructure, Public Services and Utilities***

**Roads:** There are approximately 26.2 miles of roads mapped by the Flathead County GIS department in the Ashley Lake planning area, and an unknown number of unmapped roads. Of the mapped roads, 21.9 miles are managed by either Flathead County or the U.S. Forest Service. 4.3 miles are private (figure 7). Road maintained by Flathead County are open to the public. Access to U.S. Forest Service roads is at the agencies discretion. All roads in the planning area are unpaved. Most of the road referred to as either Ashley Lake Road or North Ashley Lake Road, has a 60 foot travel easement that is either deeded to the county, or in the form of a recorded easement.



**Figure 7: Ashley Lake Planning Area Road Network**

The Ashley Lake area is accessed from two different directions. From the east, the Ashley Lake planning areas is accessed from US Highway 2, via Batavia Lane, which turns into Ashley Lake Road at the end to the pavement about 5 miles from US Highway 2. The remaining 3 miles to Ashley Lake are gravel and are in reasonably good to poor condition depending on the time of year. The second road extends 8 miles from US Highway 2 to the southwest end of the lake by the Ashley Creek outlet. This road is also gravel and generally is likewise in a fair to poor condition plagued by washboard conditions and dust. The Flathead County Road and Bridge Department maintains records of traffic counts on the two Ashley Lake roads.

There is a road system that extends completely around Ashley Lake. The south side road, known as the South Ashley Lake Road, is maintained by the County, winter access is generally available but can be hazardous due to out-slope, grades and ice conditions. Summer conditions are plagued by narrow travel surface, ruts, potholes and dust. Summertime travel is not as hazardous although one must be constantly aware of the narrow and uneven road surfaces, ruts, potholes, and dust. Roads are not graded for much of the summer to leave intact the dust suppressing treatments that have been applied in intermittent stretches.

The North Ashley Lake Road is built to county standards for a gravel road from the East Y intersection for approximately 5 miles before it narrows just prior to the U.S. Forest Service boat ramp area. The remaining road structure of North Ashley Lake Road is intermixed with fair to poor road surfaces and generally rutted and potholed.

**Water Supply:** The Ashley Lake planning area is not served by a municipal water system like one found in other non-incorporate areas of Flathead County such as Bigfork and Lakeside. However, there are privately owned water systems that serve multiple properties that are considered public by the Montana Department of Environmental Quality. The lake is still an important source of water for lakeshore residents as well as individual wells serving properties on and off the lake.

**Waste Water Treatment:** Ashley Lake is not served by a public or private sewage/sanitation district. Individual septic systems are the preferred method of sewage treatment when approved by the Flathead City/County Environmental Health Department (Environmental Health). Some home owners prefer an electric elimination of wastes as an alternative solution. Two of the newer subdivisions on Ashley Lake utilize a shared septic system for their home owners. Today, there are approximately 212 approved septic permits in the Ashley Lake planning area. It is important to note that Environmental Health's records for septic permits only go back to 1973. Septic systems installed before 1973 do not have an associated permit. The number of systems built prior to 1973 on Ashley Lake is unknown.

**Electricity:** Flathead Electric Cooperative provides electrical service to the planning area. Most services are underground, but services are above ground for a few miles along the south side of the lake. Most residences are served by a single service meter; however a few residences have multiple meters. Additionally, some newer subdivisions that utilize shared septic systems and wells have separate meters for those systems. In 1997 a total of 172 meters were in and around Ashley Lake, in 2010 that number grew to 247. That is an increase of 75 new services and relates to just under 6 new services per year during this time period.

**Telephone:** CenturyLink currently provides telephone to the Ashley Lake planning area. All services lines are underground. Currently cellular phone service is not

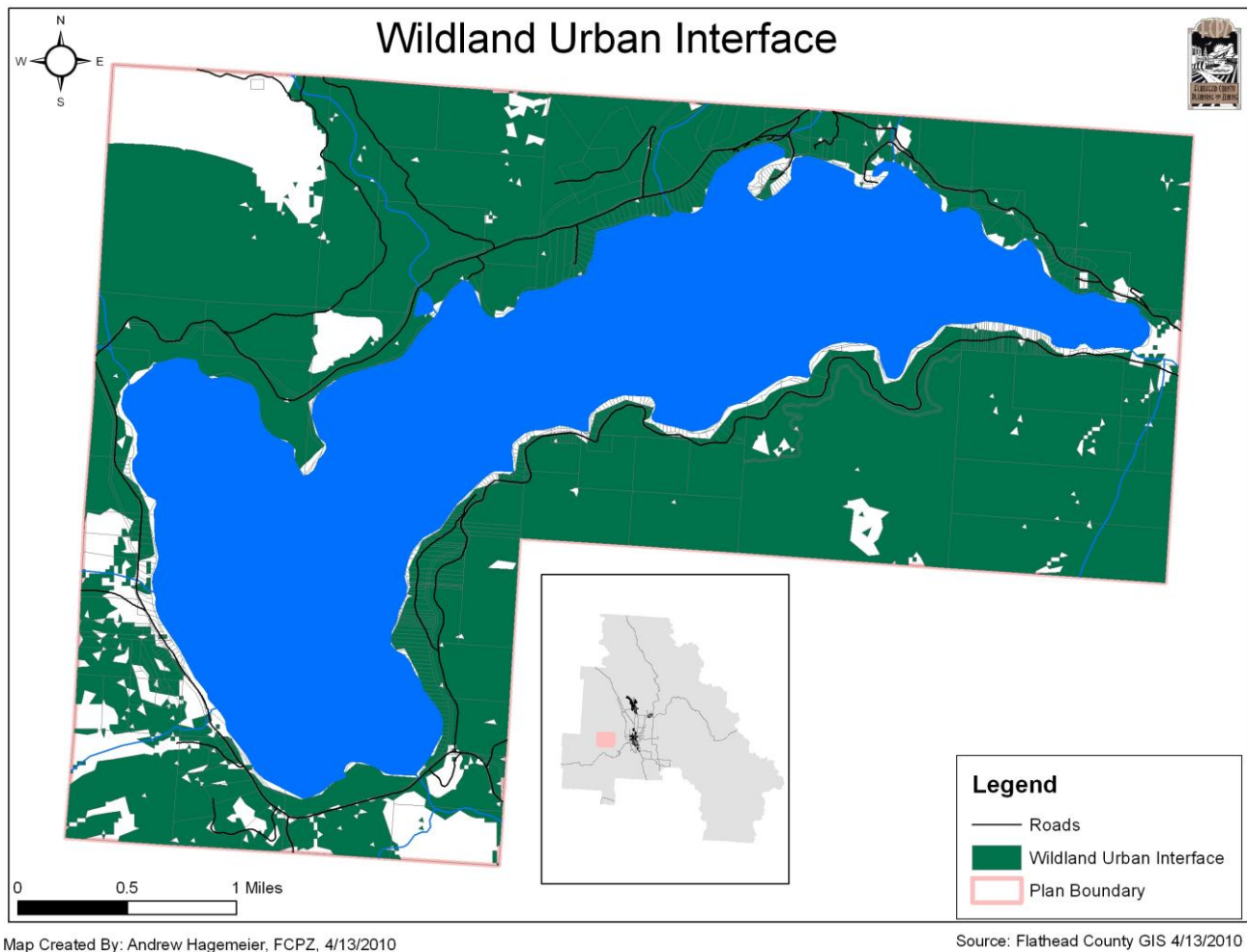
available at Ashley Lake, however, many times cellular service does work in the middle of the lake itself.

**Propane:** Natural gas service is not available to residents of the Ashley Lake planning area; therefore all appliances and generators are powered by either electricity, propane or other sources. All local propane companies make routine deliveries to Ashley Lake and the surrounding areas.

**Emergency Services:** The entire neighborhood is outside of an organized rural fire district. Because the area is not within a rural fire district, responsibilities default to Flathead County Office of Emergency Services. ALPOA has investigated a more formal arrangement to provide emergency services to the area, although attempts to annex the North Shore to the Smith Valley Fire District have failed due to lack of community support. ALLUAC strongly supports the efforts to include part or all of the planning area into a rural fire district.

Structural fires are addressed on a case by case basis. While the area is not within any fire district, Smith Valley Fire Department, Marion Fire Department and others may respond to structure fires in an effort to keep the fire from spreading. The spread of wildfire is a very real threat during summer months for the entire area due to the condition of the roads and lack of any organized fire department or equipment within reasonable response time.

**Wildland Urban Interface:** Large portions of the Ashley Lake planning area are within an area designated as the Wildland Urban Interface (WUI) by the Flathead County Wildfire Fuels Reduction/Mitigation Plan (figure 8). The WUI is loosely defined as where structures and other human development intermingle with forest land fuels. A detailed study of the risk of wildfire in the Ashley Lake planning area has not been conducted, making it difficult to quantify where the areas of high or extreme hazards exist. Factors that can affect the intensity and severity of wildfires are fuel types, terrain, and weather. Given the forested nature, the varying terrain, and climate of Western Montana, there is the potential under certain circumstances for a wildfire that threatens life and property in the Ashley Lake planning area.



**Figure 8: The Identified Wildland Urban Interface**

The Montana Department of Natural Resources (DNRC) is the primarily agency responsible for initial attack of wildfires in the Ashley Lake planning area. However; the agency managing wildfires might change depending upon the size, severity, intensity, or complexity of a given fire situation.

**Law Enforcement:** The Flathead County Sheriff's Department provides law enforcement for this area. Because of staffing limitations and long response times from Kalispell, routine patrolling in this area is not possible. Insignificant problems may be addressed via the telephone but response times for any significant incidence may be lengthy. The U.S. Forest Service is responsible for law enforcement within U.S. Forest Service Boundaries. Other law enforcement agencies that may be present in the Ashley Lake planning area are the Montana Highway Patrol, the U.S. Border Patrol, and game wardens from Montana Fish Wildlife and Parks.

**Emergency Transport:** There currently exist 5 emergency helicopter pads situated at various points around Ashley Lake for emergency evacuation of individuals. These pick-up points are known to the ALERT flight crews and to the property owners at Ashley Lake.

**Newspaper/Mail Service:** The Daily Interlake delivers daily newspapers to the end of the paved road surface on Ashley Lake Road. Newspapers are not delivered to the complex at the East Y (the intersection of Ashley Lake Road and North Ashley Lake Road). Residents of the western portion of lake do not receive mail service and pick up mail at a P.O. Box. Mail delivery is made daily (Monday through Saturday) to the mail box complex at the East Y. If severe road conditions exist, the post office will deliver the mail on the first day severe conditions do not exist as agreed to by the homeowners at Ashley Lake. The Ashley Lake planning area is divided into two zip codes, the northeast portion is 59901 in Kalispell, and the southwest portion of the lake is 59920 in Kila.

**Public Parks/Lake Access:** There are 3 U.S. Forest Service campground areas at Ashley Lake; Ashley Lake North, Ashley Lake South and the Ashley Lake Boat Ramp. As of 2008, a full time campground host has been in place from Memorial Day to Labor Day at the Ashley Lake North site. The addition of this host has mitigated much of the necessity for calls to the Flathead County Sheriff's Office. This host maintains the campground area on the South shore as well as the day use only campground on the North shore, in addition to the main campground and the boat launch campground area.

### ***Economic Conditions, Demographics and Anticipated Growth***

The economic conditions and demographics discussion in the neighborhood plan is intended to establish a baseline of economic activity and populations trends within the planning jurisdiction. This information, along with reasonable assumptions about future trends are used to create a forecast for the planning area discussed as anticipated growth. The anticipated growth discussion is necessary to understand the types and intensities of land uses that will be needed within the planning jurisdiction to accommodate the forecasted growth. Understanding what types of growth are anticipated will help craft the goals and policies within the plan, and will help determine implementation strategies to accommodate that growth.

**Economic Conditions:** While only about 11 air miles from downtown Kalispell, due to the limited infrastructure such as public water and sewer, cell phone coverage, and gravel roads, the Ashley Lake planning area remains economically isolated compared to other parts of Flathead County. The type and intensity of commercial activity occurring in the area is limited. There are a handful of home based businesses within the planning area, but they generally do not provide services to the local population or draw in customers from outside the planning area. The Ashley Lake planning area does have internet access so it can be assumed a handful of people work remotely from home. Of



the people who do live year round in the planning area and are a part of the workforce, it is likely the majority of them commute outside of the planning area for work.

The timber industry is present in the Ashley Lake planning area. Plum Creek and Stoltze both own timber lands and at times may have active timber management activities within the planning area. However, their employment centers are located in the valley and the majority of people working the management units likely commute from other parts of the county or beyond.

**Demographics:** Data published from the U.S. Census does not have the geographic specificity to be representative of the Ashley Lake planning area; therefore it is difficult to establish firm information about the demographic composition. Because Ashley Lake is a destination for second and summer homes and the majority of people who own property within the Ashley Lake planning area do not live in the area, some basic assumptions of the demographic nature of the population can be made:

- The population likely has a higher percentage of seasonal residencies than Flathead County as a whole
- The population likely has a higher medium income compared to Flathead County as a whole
- The population likely has a higher medium age compared to Flathead County as a whole

The number of people who live permanently, seasonally or just for short periods of time within the Ashley Lake planning area is also difficult to determine. Based on the data created for the existing land use map (figure 6), there are 324 parcels categorized as residential, and 14 parcels categorized as agricultural identified with a structure. If it is assumed that each of these parcels is a household, and assuming that if the Flathead County average of 2.48 people per household applies to Ashley Lake, there are an estimated 838 people who live full time, seasonally or for just for short periods of time in the Ashley Lake planning area.

**Anticipated Growth:** The greatest factor influencing the type and intensity of growth that may occur within the planning area is the land use regulations that are in place. The land use regulations were developed to guide growth as to meet the goals of the community as defined in the 1997 Ashley Lake Neighborhood Plan. The intent of the regulation is to protect the quality, character and openness of Ashley Lake and the surrounding neighborhood and by providing guidance for future development.

Because of the remote location, the high recreational value and natural beauty within the planning area, some trends occurring nationally may have an impact on the type of and intensity of growth that may occur. As more of the baby boomer generation enters retirement age, the duration of seasonal residence stay may increase, and some

traditionally seasonal residents may stay year round. The number of people telecommuting is an emerging trend occurring nationally that may have a similar impact.

If the duration seasonal residents stay increases and the number of year round residents rise, there may be an increase in the demand for services. Population densities aren't likely to increase enough during the foreseeable future to warrant development if commercial services such as grocery stores or gas stations, but there may be an increased demand for services such as snow plowing, purchasable fire wood and home maintenance. However, this plan may need to be amended over time to reflect emerging social-economic trends affecting the planning area.

## Chapter Four: Issues and Opportunities

The issues and opportunities are derived from a compilation of input received through committee meetings, presentations, community surveys, and discussions with neighbors. They represent what is liked and what is not liked about the community as well as developing a possible direction for the future of the Ashley Lake neighborhood. While not everyone in the neighborhood would agree with all the issues and opportunities identified, they are intended to reasonably represent the diversity of views in the neighborhood. The issues and opportunities are one component used to develop the goals and policies supporting the community's vision.

**Water Quality:** Maintaining or improving the water quality in Ashley Lake is of the upmost importance to residents. People's behavior and how land is used throughout the whole planning area can have an impact on water quality trends. Understanding water quality trends in Ashley Lake and what actions might be related to those trends is needed to make decisions on how to maintain or improve water quality.

**Rural Setting:** Quite, solitude and the presence of wildlife are qualities that define the rural setting in Ashley Lake. Other rural qualities that contribute to the rural setting are the role the lake has in bringing families together, low densities of lakefront and lakeview lots, the limited scope of commercial development and historic uses such as agriculture activities and forestry practices.

**Loons:** The community has an opportunity to foster the loon-friendly character of Ashley Lake. Impacts to the well-being of the resident loons are an issue because of their inherent low reproductive rate.

**Road Maintenance:** Road conditions can vary depending upon the time of the year and the location in the planning area. At times travel conditions can be hazardous due to weather, the physical state of the road, the speed at which people travel or dust.

**Road Paving:** Paving of the Ashley Lake road is a divisive topic with positives and negatives to both sides of the debate. It is likely that as time goes on, the debate will intensify requiring special attention to develop a solution.

**Property Rights/Equal Treatment:** Regulations can have impacts on individuals who have plans for their property. When considering regulations, it is important to consider how fair the regulations are, and to treat the concerns of all residents equally. Equal treatment is also important for enforcement of existing regulations.

**Septic Systems:** The exact number of septic systems on Ashley Lake is not known. Systems put in place prior to the 1970's did not require a permit and are not in county records. Septic systems that fail or are not operating properly may impact the water quality of the lake. Furthermore, it is not known how well the older systems are

functioning. The relationship between the older septic systems and water quality trends in Ashley Lake is not known.

**Fire and Emergency Services:** The Ashley Lake planning area is not within the jurisdiction of a rural fire district. Travel times for emergency services may be delayed when compared to other areas of Flathead County especially areas within a rural fire district.

**Land Use Planning:** The ALLUAC, the Ashley Lake Neighborhood Plan and the Ashley Lake Development Code are still considered important to the community. The ALLUAC are committed to maintaining the key provisions and improving upon the existing development code.

**Commercial Development:** Commercial development that is out of scale with surrounding community may have impacts to the character of the area and on the water quality of Ashley Lake. However, home based-business and other smaller scaled commercial activities occur in the planning area and are vital to some members of the community.

**Lake Access:** As the community grows over time, the limited public access on the lake may become overused. Additional opportunities for public access may become necessary.

**Lake Level:** The mean high water mark (lake level) of Ashley Lake has not been officially established. Because of this, there is the potential for some subjectivity in determining the lake level. Land owners with property on the lake may not know exactly where the 20 foot Lake and Lakeshore protection zone sits on their property.

## **Chapter Five: Goals and Policies**

The goals and policies of the plan are statements used to describe how the community intends to achieve the vision. Goals are general statements that cover a wide range of topics. Policies are more specific statements on how to achieve the goals. Policies may be long term or short term in duration, are more specific than goals and should be measurable. Actions are specific items that provide measurable steps that may be used to work towards a policy and goal. Of equal importance to the goals and policies are the implementation strategies. Implementation strategies are discussed in Chapter Five.

### **Goal 1. Maintain the quality, character and openness of the Ashley Lake Neighborhood**

#### **Policy 1.1. Allow for agricultural and silvicultural activities**

- Action 1.1.1. Agricultural and silvicultural activities should be permitted throughout the plan area

#### **Policy 1.2. Promote a single-family residential development pattern**

- Action 1.2.1. Prevent the future development of multi-family dwellings
- Action 1.2.2. Control the placement and duration of use of recreational vehicles on both developed and undeveloped property

#### **Policy 1.3. Maintain densities consistent with the existing patterns of development**

- Action 1.3.1. Lakefront properties should not be developed at densities greater than 1 unit per 5 acres
- Action 1.3.2. Lakeview properties should not be developed at densities greater than 1 unit per 10 acres
- Action 1.3.3. Minimum lot size should not be less than one acre
- Action 1.3.4. Lakefront lots should maintain average and minimum lakeshore frontages
- Action 1.3.5. Setbacks from property lines should be at least 10 feet

#### **Policy 1.4. Provide for mechanisms to create open space and homeowner parks consistent with the community vision**

- Action 1.4.1. Open space and homeowner parks should have standards for development that maximize usefulness to beneficiaries of the open space or homeowner parks, and minimize impacts to Ashley Lake

**Policy 1.5. Maintain the role of the Ashley Lake Land Use Advisory Committee**

- Action 1.5.1. The ALLUAC should actively maintain bylaws and provide a forum for the public input and discussion related to land use activities
- Action 1.5.2. The ALLUAC should continue to operate as a voice of the Ashley Lake community when communicating with the Flathead County Commissioners
- Action 1.5.3. The ALLUAC should forward reports of violations of zoning to the Flathead County Planning and Zoning office in writing
- Action 1.5.4. The ALLUAC may communicate with state and federal land managers on activities that may affect Ashley Lake

**Goal 2. Provide for commercial activities that are in character with the community**

**Policy 2.1. Promote commercial activities that are consistent with the scale of the community**

- Action 2.1.1. Allow business that can be run out of a home
- Action 2.1.2. Provide for opportunities for commercial campgrounds
- Action 2.1.3. Free standing marina's and resorts are not consistent with the scale of the community and should not be allowed

**Goal 3. Provide for flexibility for property owners**

**Policy 3.1. Allow reasonable exceptions to setbacks and density standards**

- Action 3.1.1. Provide for an exception for reconstruction of existing structures that did not conform to the regulations at the time they were adopted
- Action 3.1.2. Allow flexibility in lot size from the density standards in specific situations

**Goal 4. Maintain or improve water quality of Ashley Lake**

**Policy 4.1. Improve management of the Lake and Lakeshore protection zone**

- Action 4.1.1. Establish an official high-water mark for Ashley Lake

**Policy 4.2. Monitor water quality on Ashley Lake**

- Action 4.2.1. Support the efforts of volunteers to monitor and record water quality

**Policy 4.3. Prevent sewage systems from degrading the water quality of Ashley Lake**

- Action 4.3.1. Determine an estimate of the number of homes on Ashley Lake that do not have a permitted septic system
- Action 4.3.2. Research the regulations that govern septic systems and the procedure for amending those regulations

**Policy 4.4. Indentify floodplain hazards within the planning area**

- Action 4.4.1. Request FEMA map flood hazards in the Ashley Lake planning area

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## Chapter Six: Implementation Strategies

Without implementation, the Ashley Lake Neighborhood Plan would not guide the community towards the vision statement in Chapter One. While goals and policies are intended to be statements of policy, the Implementation Strategies are the items with specific direction on how to implement the community vision. The Actions, listed in Chapter 4, are a bridge between the Goals and Policies stating specific steps that can be utilized for implementation. Implementation of the Ashley Lake Neighborhood Plan is intended to occur in three ways: Through actions taken by community members, or the community as a whole, through the leadership of the ALLUAC, or through regulatory actions such as subdivision review, zoning regulations, lakeshore protection regulations, and other state and local regulations that may apply to the Ashley Lake planning area.

### ***Community Actions:***

The following implementation strategies are recommendations to the community on how they can help reach the vision in the plan. Community Action implementation strategies are not intended to become regulation or to be conditioned upon individuals. They are intended to assist and educate how community members can voluntarily consider the community vision.

- **Zoning Enforcement:** The Flathead County Planning and Zoning Department enforces zoning in the Ashley Lake planning area through written complaints. Members of the community, who wish to report a violation of zoning, should do so in writing directly to the Planning and Zoning Office, or to the ALLUAC. Any complaints forwarded to the ALLUAC should be passed on to the Flathead County Planning and Zoning Office in writing. [Action 1.5.3.]

### ***Land Use Advisory Committee Actions:***

The Ashley Lake Land Use Advisory Committee serves as the community's voice on activities affecting land use within the Ashley Lake Neighborhood Plan Boundaries. The following implementation strategies are recommendations of actions the ALLUAC can take to help implement the goals and policies in the neighborhood plan.

- **Serve as a “Voice” for the People of Ashley Lake:** The ALLUAC should continue to act as a voice for the people who reside in the Ashley Lake planning area by providing a forum for comment and forwarding recommendations on land use proposals to the Planning Board and County Commissioners. [Action 1.5.1.]
- **Amendments to the Plan and/or Zoning Regulations:** The ALLUAC should forward request to amend the plan or the zoning regulations to the Flathead

County Planning and Zoning Office and maintain communications with the county throughout any amendment process. [Action 1.5.1. and Action 1.5.2.]

- **Water Quality Monitoring:** The ALLUAC should support the efforts of volunteers to monitor water quality in Ashley Lake and maintain communications with volunteers. [Action 4.2.1.]
- **Septic Issues:** The ALLUAC should work to further understand how septic systems relate to water quality in Ashley Lake. [Action 4.3.1. and Action 4.3.2.]
- **Communication:** The ALLUAC should attempt to be aware of state and federal activities that occur in the Ashley Lake planning area and may provide comment on those activities as appropriate. [Action 1.5.4.]

### ***Regulatory Recommendations:***

This neighborhood plan is not a regulatory document; however, some of the goals and policies in the Ashley Lake Neighborhood Plan may be implemented through regulations. The implementation strategies in this section are recommendations on how to implement the plan through the use of regulations. Regulations adopted and administered by Flathead County in the Ashley Lake Planning Jurisdiction are: zoning regulations, subdivision regulations, floodplain regulations, and lakeshore regulations.

**Zoning Regulations:** The Ashley Lake zoning district and development code, adopted in 1997, is the primary tool used to implement the Ashley Lake Neighborhood Plan. Any amendments to the Ashley Lake Zoning district must be consistent with the goals and policies of the Ashley Lake Neighborhood Plan, and with the goals and policies in the Flathead County Growth Policy.

- **Amendments to the Zoning:** Certain sections in the zoning regulations have been determined not to be compatible with the Vision in the Neighborhood Plan. A text amendment should be discussed by the ALLUAC and Flathead County Planning and Zoning Office and should be processed sometime in the future. The following are items recommended to be amended:
  - Multi-family dwellings: Multi-family dwellings, such as condominiums, townhomes and apartment complexes are recommended to be removed from the list of conditional uses. This does not refer to properties owned by multiple families. [Action 1.2.1.]
  - Resort and Marina's: Resorts and marinas are recommended to be removed from the list of Planned Unit Development uses. [Action 2.1.3.]

- **Clarifications:** The definitions of Lakefront and Lakeview lots could be interpreted by different parties in different ways and may need clarification through a text amendment to eliminate gray areas. [Action 1.3.1 and 1.3.2]
- **Current Zoning:** Sections not specifically recommended for amendments are supported by the neighborhood plan. [Actions 1.1.1., 1.2.2., 1.3.3., 1.3.4., 1.3.5., 1.4.1., 2.1.1., 2.1.2., 3.1.1. and 3.1.2.]

**Subdivision Regulations:** The Flathead County Subdivision Regulations are an implementation of the Flathead County Growth Policy. They are universal to all areas within the Flathead County Planning Jurisdiction. The primary mode of implementation of this neighborhood plan through the subdivision regulations is through the subdivision review process. State statutes currently prohibit basing a denial of a subdivision solely on the provisions of a growth policy or neighborhood plan. However, it is recommended the goals and policies of the plan are considered as guidance during the subdivision review process.

**Floodplain Regulations:** Floodplain Regulations are required to participate in the National Flood Insurance Program (NFIP) administered by the U.S. Federal Emergency Management Agency. This program is available to communities that acknowledge that flood prone areas pose a significant health hazard and have met the NFIP criteria and program requirements. Floodplain regulations govern land uses and development in areas mapped as flood hazards. Flood hazards within the Ashley Lake Neighborhood Planning area have not been mapped as part of this program.

- **FEMA Mapping:** The Flathead County Planning and Zoning Office should request that FEMA map the flood hazards in the Ashley Lake Planning Area. [Action 4.4.1.]

**Lakeshore Regulations:** The Flathead County Lake and Lakeshore Protection Regulations are universal to most lakes in the Flathead County Planning Jurisdiction with a surface area of at least twenty (20) acres for at least six (6) months a year in a year of average precipitation. The Lake and Lakeshore Protection regulations are applicable to certain activities that occur within 20 feet of the high-water mark. Ashley Lake is regulated by the Lake and Lakeshore Regulations.

- **Lake Elevation:** The Flathead County Planning and Zoning Office should work with any applicable state agencies to establish a mean high water mark that could be used to accurately and consistently measure the 20 foot lake and lakeshore protection zone for Ashley Lake. [Action 4.1.1.]

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## **Chapter Seven: Revision and Amendment Procedures**

### ***Adoption***

The impetus behind developing the Ashley Lake Neighborhood Plan is to provide local guidance to the overall pattern of growth in the Neighborhood. Neighborhood plans become official public policy under the umbrella of the County Growth Policy.

### ***Application***

The Ashley Lake Neighborhood Plan is adopted as an element of the Flathead County Growth Policy and thus provides much more specific detail and guidance for the neighborhood. Because the neighborhood plan in its entirety is more specific in its application to the Ashley Lake Neighborhood, each provision provided for in the Plan is therefore more specific and will take precedence over the broad statements contained within the more general Flathead County Growth Policy.

### ***Amendment Process***

From time to time, it may be appropriate to amend the text and/or maps contained within the Ashley Lake Neighborhood Plan. Amendments shall be processed in the following manner:

1. A reasonable effort shall be made by the applicant to communicate the nature and purpose of the amendment request to the ALLUAC. Early communication increases the likelihood that all interested parties can consider and respond to each other's needs and constraints. This communication also increases the likelihood that an applicant can respect the integrity and intent of the plan while accomplishing the purpose of the amendment(s). However, the consent of the ALLUAC is not required prior to proceeding to Step 2 of this process.
2. The applicant shall submit an Application for Neighborhood Plan Amendment to the Flathead County Planning and Zoning Office (FCPZ). The application for amendment shall address the following criteria (adapted directly from Chapter 9 of the Flathead County Growth Policy):
  1. Does the amendment affect overall compliance of the Ashley Lake Neighborhood Plan with 76-1-601, MCA?
  2. Is the amendment based on existing characteristics and/or projected trends that are substantially different from those presented in the most recent update?
  3. Does the amendment create inconsistencies within the document?

4. Does the amendment further protect and comply with the seven elements of the public's vision for the future of Flathead County (found in Chapter 1 of the Flathead County Growth Policy) and the vision statement of the Ashley Lake Neighborhood Plan?
5. Has the proposed amendment undergone a sufficient process of public participation and review?
3. FCPZ shall notify the ALLUAC that an application for amendment has been submitted and communicate the nature of the requested amendment. FCPZ will review the requested amendment for compliance with the criteria above and prepare a report to the Flathead County Planning Board.
4. FCPZ will present the application to ALLUAC prior to the Planning Board public hearing and seek a recommendation from the Committee to the Planning Board on the proposed amendment(s).
5. FCPZ will present the application, report and the ALLUAC's recommendation to the Planning Board and the Planning Board will hold a public hearing in conformance with 76-1-602, MCA and the Board's own bylaws regarding public hearings.
6. The Planning Board will forward, by resolution, a recommendation on the proposed amendment(s) to the Flathead County Commissioners.

### ***Mandatory Review***

The neighborhood plan and any development standards adopted pursuant to this neighborhood plan should be reviewed for effectiveness and appropriateness on a regular basis. The ALLUAC as provided for in this neighborhood plan should convene, at a minimum of every five years from the date of adoption of this plan to review the plan. The Committee should review the regulations and neighborhood plan in light of development activity that has occurred to date and forward a report to the Flathead County Planning Board and County Commissioners recommending changes as deemed appropriate to: ensure the smooth administration of the plan and regulations, ensure that the regulations are meeting the desired goals of the plan; and to address any unforeseen issues or circumstances not originally or adequately addressed by the existing plan and regulations.

## **Chapter Eight: Coordination Statement**

Between Forest Service lands and the water body of Ashley Lake, the federal government and State of Montana have a substantial management presence in the Ashley Lake Neighborhood planning boundaries. Land use planning on federal and state lands is in the jurisdiction of the respective federal and state governments but the actions taken by these government bodies can have direct impacts on residents of Ashley Lake. Residents in the Ashley Lake planning boundaries should be aware this planning document does not have bearing on federal and state actions. Being involved in the state or federal agencies planning process is an appropriate course of action. The ALLUAC may serve as a community voice to coordinate with federal and state agencies expressing how agencies actions may be consistent or inconsistent with the goals and policies of the Ashley Lake Neighborhood Plan.

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